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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/822,925	03/30/2001	Bradford H. Needham	PW 027 5024 P-10877	8278

7590

07/28/2005

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EXAMINER

AGGARWAL, YOGESH K

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/822,925

Applicant(s)

NEEDHAM, BRADFORD H.

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-26 and 28-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-26,28-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-6, 8-26, 28-30 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 4-6, 8-10, 12-17, 19-25 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al. (US Patent # 5,296,884) in view of Squilla et al. (US Patent # 6,396,537).

[Claims 1, 4, 5 and 9]

Honda et al. teaches a system for automatically annotating a digital representation (col. 6 lines 25-43, figure 7) comprising an electronic capture device (figure 1, camera 30) to capture the digital representation of a scene; a plurality of information tag devices (figure 5, radio stations A, B and C are broadly read as tag devices), each of the information tag devices dispersed at various locations to store identification data for identifying a location of the scene (col. 5 line 60- col. 6 line 6); a tag-reader (receiving unit 10) to receive the identification data from an information tag device (col. 6 lines 1-5).

Honda et al. teaches a database to store annotations for different kinds of places corresponding to each of the information tag devices (figure 7) but fails to disclose a database to

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store annotation provider information for each of the annotation tag devices, a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for annotation provider associated with the information device is transmitted from the database to the communication device, a program to be executed by the communication device, the program enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation.

However Squilla et al. teaches a camera 24, an image server 70 that can store a file containing varied interests of the user including URL addresses for different image spots 10 (read as annotation provider information for each of the annotation tag devices) that can be downloaded via the internet at a later time (col. 5 lines 11-17, col. 6 lines 51-col. 7 line 19). The URL addresses are for different multimedia data that can be combined with images at a later time (col. 9 lines 4-7) at a central location (server 70) in order to have a convenient way to combine the information handling capability of a camera with image recording so that information can easily be accessed about a photographed item. Therefore it would be inherently taught that a communication device like a server has a program to enable communication with an annotation provider to obtain an annotation associated with the information tag device and to associate the image with the annotation.

Therefore taking the combined teachings of Honda and Squilla, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have used a database to store annotation provider information for each of the annotation tag devices, a communication device to communicate with the database, wherein when identification data is

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transmitted to the database, a network address for annotation provider associated with the information device is transmitted from the database to the communication device, a program to be executed by the communication device, the program enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation in order to have a convenient way to combine the information handling capability of a camera with image recording so that information can easily be accessed about a photographed item.

[Claim 2]

Server 70 in Squilla is inherently a computer.

[Claim 6]

Honda et al. teaches a tag-reader (receiving unit 10) to receive the identification data from an information tag device (col. 6 lines 1-5) and is located within the camera.

[Claim 8]

Squilla teaches that a personality file that is stored in a camera or the image server 70 contains content that also include URL addresses (col. 6 line 51-col. 7 line 19). Squilla also teaches that a URL address can be an address pointing to data in the content database 86 in the server 70 or any other address (col. 8 lines 23-30). It would be obvious that the URL address can be used to access a web server containing different annotations to be annotated on the image.

[Claims 10, 12, 13, 15, 16]

These are method claims corresponding to apparatus claims 1, 4, 5, 8 and 9 respectively.

Therefore they have been analyzed and rejected based upon apparatus claims 1, 4, 5, 8 and 9.

[Claim 30]

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Squilla also teaches that the content information that is used to annotate the image includes date, time etc. (col. 7 lines 64-67).

[Claim 14]

Squilla teaches that the content database may also contain URL addresses for accessing a web server containing different annotations to be annotated on the image (col. 6 line 51-col. 7 line 19, col. 8 lines 23-30).

[Claim 17]

Honda et al. teaches a system for automatically annotating a digital representation (col. 6 lines 25-43, figure 7) comprising an electronic capture device (figure 1, camera 30) to capture the digital representation of an object; a tag-reader (receiving unit 10) to receive the identification data from an information tag device (col. 6 lines 1-5), wherein the information tag device (figure 5, radio station A broadly read as a tag device), is utilized to store identification data for identifying a location of the scene (col. 5 line 60- col. 6 line 6)

Honda et al. teaches a database to store annotations for different kinds of places corresponding to each of the information tag devices (figure 7) but fails to disclose a database to store annotation provider information for each of the annotation tag devices, a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for annotation provider associated with the information device is transmitted from the database to the communication device.

However Squilla et al. teaches a camera 24, an image server 70 that can store a file containing varied interests of the user including URL addresses for different image spots 10 (read as annotation provider information for each of the annotation tag devices) that can be

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downloaded via the internet at a later time (col. 5 lines 11-17, col. 6 lines 51-col. 7 line 19). The URL addresses are for different multimedia data that can be combined with images at a later time (col. 9 lines 4-7) at a central location (server 70) in order to have a convenient way to combine the information handling capability of a camera with image recording so that information can easily be accessed about a photographed item.

Therefore taking the combined teachings of Honda and Squilla, it would have been obvious to one skilled in the art at the time of the invention to have been motivated to have used a database to store annotation provider information for each of the annotation tag devices, a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for annotation provider associated with the information device is transmitted from the database to the communication device in order to have a convenient way to combine the information handling capability of a camera with image recording so that information can easily be accessed about a photographed item.

[Claims 19, 20, 21, 23]

See claims 4, 5, 6, and 9.

[Claim 22]

Squilla teaches that the content database may also contain URL addresses for accessing a web server containing different annotations to be annotated on the image (col. 6 line 51-col. 7 line 19, col. 8 lines 23-30).

[Claim 24]

Squilla teaches an image server 70 that can store a file containing varied interests of the user including URL addresses for different image spots 10 (read as annotation provider information

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for each of the annotation tag devices) that can be downloaded via the internet at a later time (col. 5 lines 11-17, col. 6 lines 51-col. 7 line 19). The URL addresses are for different multimedia data that can be combined with images at a later time (col. 9 lines 4-7) at a central location (server 70). Therefore it would be inherently taught that a communication device like a server has a program to enable communication with an annotation provider to obtain an annotation associated with the information tag device and to associate the image with the annotation.

[Claim 25]

Squilla teaches that the content information may be the actual content information or a pointer or the like descriptor indicative of the content, is then communicated by the image spot 10 to the camera 24 or 26 via the wireless link 60 and, if the camera has the capability, may be viewed by the user on the LCD screen. If the user wants to save the information, the acceptance is signaled through the user interface 31 and the data is stored in the memory 48 (col. 4 line 62 - col. 5 line 5). Therefore if a data from a URL address is downloaded, the user on the LCD screen may view it and if the user wants to save the information, the acceptance is signaled through the user interface 31 and the data is stored in the memory 48.

4. Claims 3, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Honda et al. (US Patent # 5,296,884), Squilla et al. (US Patent # 6,396,537) and in further view of Anderson et al. (US Patent # 6,567,122).

[Claim 3]

Honda in view of Squilla does not teach whether the communication device (server 70) is part of the electronic camera. However Anderson teaches a camera 114 that includes the necessary

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computer resources to function has a website and host its own internal web server application 910 (col. 15 lines 12-16). Therefore taking the combined teachings of Honda, Squilla and Anderson, it would be obvious to one skilled in the art to have been motivated to have used a camera with its own web server as a web site (communication device) as taught in Anderson in order to that can be used to have an inexpensive way to have a remote access via the internet for digital cameras.

[Claim 11]

This is a method claim corresponding to apparatus claim 3. Therefore it has been analyzed and rejected based upon apparatus claim 3.

[Claim 18]

See claim 3.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Squilla et al. (US Patent # 6,396,537) in view of Anderson et al. (US Patent # 6,567,122).

[Claim 29]

Squilla does not teach whether the communication device (server 70) is part of the electronic camera. However Anderson teaches a camera 114 that includes the necessary computer resources to function has a website and host its own internal web server application 910 (col. 15 lines 12-16). Therefore taking the combined teachings of Squilla and Anderson, it would be obvious to one skilled in the art to have been motivated to have used a camera with its own web server as a web site (communication device) as taught in Anderson in order to that can be used to have an inexpensive way to have a remote access via the internet for digital cameras.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Squilla et al. (US Patent # 6,396,537).

[Claim 26]

Squilla et al. teaches a camera for automatically annotating digital images (col. 9 lines 4-7), comprising an electronic capture device (figure 2, CCD 44) to capture the digital representation of a scene (col. 4 lines 26-29), a tag-reader (40) to receive identification data from an information tag device (image spot 10, col. 4 line 54-col. 5 line 17), a memory (48) to store the digital representation and the identification data associated therewith (col. 5 lines 18-22), an I/O (74b) to transfer data between the memory and a communication device (image server 70), wherein the communication device transfers the identification data to a database (col. 5 lines 46-63), wherein a network address of an annotation provider associated with the information tag device is stored in the database (col. 7 lines 17-19 and col. 7 lines 29-38).

[Claim 28]

Squilla et al. teaches the image server 70 can store a file containing varied interests of the user including URL addresses for different image spots 10 (read as annotation provider information

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for each of the annotation tag devices) that can be downloaded via the internet at a later time (col. 5 lines 11-17, col. 6 lines 51-col. 7 line 19). The URL addresses are for different multimedia data that can be combined with images at a later time (col. 9 lines 4-7) at a central location (server 70).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
July 22, 2005



DAVID L. OMETZ
PRIMARY EXAMINER